

# NOMINATION OF GREGORY EUGENE JACKSON

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## HEARING

BEFORE THE

### COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

ON THE

NOMINATION OF GREGORY EUGENE JACKSON, TO BE AN ASSOCIATE  
JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

OCTOBER 5, 2004

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## **NOMINATION OF GREGORY EUGENE JACKSON**

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**TUESDAY, OCTOBER 5, 2004**

U.S. SENATE,  
COMMITTEE ON GOVERNMENTAL AFFAIRS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:15 a.m., in room SD-342, Dirksen Senate Office Building, Hon. George V. Voinovich presiding.

Present: Senators Voinovich and Pryor.

### **OPENING STATEMENT OF SENATOR VOINOVICH**

Senator VOINOVICH. Good morning and welcome. Today, the Committee on Governmental Affairs meets to consider the nomination of Gregory Jackson to be Associate Judge for the Superior Court of the District of Columbia. Mr. Jackson has served as General Counsel for the District of Columbia Department of Corrections since 1999. As General Counsel, he advises the Director of Corrections on legal and administrative issues, coordinates the defense against civil cases filed against the Department, and serves as the primary point of contact for the local courts and other criminal justice agencies.

During this period, he represented the Department of Corrections in hearings in the Superior Court and the U.S. District Court, primarily on issues related to prisoners' conditions of confinement in the District of Columbia jail.

Prior to this position, Mr. Jackson served as an Assistant U.S. Attorney for the District of Columbia from 1986 to 1999, 13 years. During that period, Mr. Jackson primarily focused on criminal litigation and served half his time as an attorney supervisor.

Additionally, Mr. Jackson has served as Legal Advisor to the U.S. Nuclear Regulatory Commission from 1978 to 1986. Some time I would like to talk to you about that, Mr. Jackson, because I now have them under my jurisdiction.

Mr. Jackson holds a B.A. from Rutgers College and a J.D. from the Newark College of Law. I believe him to be well qualified for the position to which he has been nominated.

I now welcome my colleague, Delegate Eleanor Holmes Norton of the District of Columbia, who is here to introduce Mr. Jackson. Ms. Norton and I have known each other way before either one of us were here. I think I first got to know you, Eleanor, when I was mayor of the city of Cleveland. Thank you for coming over, and I want to apologize to you and to Mr. Jackson and all of your friends who are here today for being late, but we had a vote over in the

Senate and one of the things I have learned since I have come to the Senate, as contrasted to when I was governor, is that I do not control my own schedule.

**STATEMENT OF HON. ELEANOR HOLMES NORTON, A  
DELEGATE IN CONGRESS FROM THE DISTRICT OF COLUMBIA**

Ms. HOLMES NORTON. Thank you very much, Mr. Chairman, and if I may say so, your own rescue of the city of Cleveland was a model for what has happened in recent years in this city as well, and we are very pleased and gratified at your contributions to the District of Columbia since you have been Chairman of the Subcommittee.

I am very pleased to recommend to you today Gregory Jackson, whom the President has nominated to our D.C. Superior Court, which is our local court of jurisdiction but under the jurisdiction of this Committee. I believe that Mr. Jackson's prior posts and his entire career well qualify him to be an Associate Judge of the Superior Court. You have outlined his recent positions. I think that particularly his extensive litigation experience best qualifies him to be a trial judge of our Superior Court.

His 13 years as an Assistant U.S. Attorney for the U.S. Attorney for the District of Columbia where he tried 44 cases on most of which he was the lead counsel. He was Chief of the Felony Section of the U.S. Attorney's Office.

Mr. Jackson received a 4-year scholarship to Rutgers University, graduated from the university and then received his J.D. from the university as well. We are proud of him in the District of Columbia and proud to recommend him to you today, Mr. Chairman.

Thank you very much.

Senator VOINOVICH. Thank you very much. As you know, you are welcome to remain for the rest of the hearing, but I know you have got a busy schedule like all of us, so thank you so much for being here today.

Ms. HOLMES NORTON. Thank you, Mr. Chairman.

Senator VOINOVICH. It's the custom of the Committee to swear in witnesses and therefore I ask, Mr. Jackson, if you will stand up. Do you swear that the testimony that you are about to give before this Committee is the truth, the whole truth and nothing but the truth?

Mr. JACKSON. I do.

Senator VOINOVICH. Let the record show that Mr. Jackson answered in the affirmative. I understand that you may have some family members here today and other friends. I would like to give you the opportunity to introduce all the folks that have come out today to support your nomination.

**TESTIMONY OF GREGORY EUGENE JACKSON, TO BE ASSO-  
CIATE JUDGE, DISTRICT OF COLUMBIA SUPERIOR COURT**

Mr. JACKSON. Thank you, Mr. Chairman, and if I may I would like to introduce my wife, Sheila Robinson, who is behind me; my mother Mary Jackson; my godparents, Mr. and Mrs. Frank Walker; and my cousin Rader Banks, who have come here to share this occasion with me. I would also like to introduce my friends and my extended family who have come out to share this occasion and be

present here to support me. I have to tell you that while this opportunity is a real blessing for me, the greater blessing, if you will, is to have friends and colleagues, acquaintances, long-time family members, extended family members, who have supported me throughout this process and indeed throughout all of my endeavors, but most particularly during this time, and who have come here to share this occasion with my family and with me, and I want to thank them very much and let them know how much I really appreciate all of their support.

Senator VOINOVICH. One of the things that I have noticed as time goes on is that all of us in public service could not do what we have been able to do without the sacrifice of our spouse and our friends, and it is nice to have them all here to see you today. I know they are all very proud of you and I am sure each one of them have had something to do with your career. As I say, in life, we look around, and all we are is a reflection of the people that love us, and it is nice to have your loved ones here with you today.

Would you like to share with us a statement about why you want this nomination?

Mr. JACKSON. Senator, I would like to say that my whole career, as you have noted in the summary that you gave, has been devoted to public service. This is an opportunity to do what many may characterize as the ultimate in public service. I have been fortunate and blessed to have the opportunity to have a number of experiences that I think have well prepared me for this opportunity, certainly the opportunity to be a trial attorney and a prosecutor in the U.S. Attorney's Office, to develop the trial skills and to understand the process in the way that I have.

But I have to also say that I am very proud of the opportunity that I have had to serve as General Counsel for the D.C. Department of Corrections. It has given me a different perspective, if you will, on the criminal justice system, an opportunity to understand what happens beyond the mere prosecution of the case, and the importance of and the difficulty of the decisions that judges sometimes have to make, and to understand how that process takes place and what all is involved. I believe that these opportunities have certainly shaped me.

They have influenced me, they have guided me in a number of ways, and they have brought me to this point. I am very excited about the opportunity to possibly serve as an Associate Judge of the Superior Court of the District of Columbia.

Senator VOINOVICH. Thank you. We have some questions that we ask all of our nominees. Is there anything that you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. JACKSON. Nothing that I am aware of, Senator.

Senator VOINOVICH. Do you know of any reason, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Mr. JACKSON. No, there is nothing that I am aware of, sir.

Senator VOINOVICH. And do you know of any reason, personal or otherwise, that would in any way prevent you from serving the full term for the office to which you have been nominated?

Mr. JACKSON. No, sir.

Senator VOINOVICH. Thank you very much. I would like to ask you a couple of other questions. Whether it is through your experience appearing before judges and observing your colleagues, I am sure you have observed a variety of judicial temperaments. I am always concerned about the judicial temperaments of our judges. I would like you to discuss what you believe to be the appropriate temperament and approach of a judge not only in dealing with attorneys appearing before you but in dealing with their clients and witnesses coming before the bench.

Mr. JACKSON. Mr. Chairman, I think it is critical and fundamental that as a judge, one must be fair and impartial. That is the basic foundation of what a judge must do. But in addition to that, one must be respectful of all the parties that appear before them.

I think that it is critical that all the parties who appear before a judge feel confident and know that they will be treated with fairness, with respect, and that ultimately while they may agree or disagree, like or dislike the outcome, they nevertheless know that they have been treated fairly and with respect throughout the entire process.

Senator VOINOVICH. I think that is really important. You have been able to observe a lot of judges over the years as I have. Back in my own State, I have seen people that become judges and their personalities change. To quote the Bible, "He that exalts himself shall be humbled and he that humbles himself shall be exalted," and I think this sometimes is forgotten.

I am sure you have seen what I am talking about over the years. It is very important for people that come before you to feel that you have treated them with dignity, respect, and openness. I feel that your experience with the correction system will help you to put yourself in other people's shoes, which is very important in this position.

Looking at your current position as General Counsel for the District of Columbia Department of Corrections and your dealings with the District Superior Court, do you see areas that need improvement, whether it be a communication or management problem? How would you go about implementing improvements to correct these problems as a judge in the District Court System?

Mr. JACKSON. Mr. Chairman, one of the unintended consequences of the Revitalization Act and the closure of Lorton and the change in the way in which sentenced felons are incarcerated here in the District of Columbia has necessitated the improved communications and improved relationships among all the criminal justice partners that operate here in the District of Columbia, and that includes the D.C. Superior Court.

We also work very closely with the U.S. District Court, the marshals, the U.S. Marshal Service in both courts, the Federal Bureau of Prisons, the U.S. Parole Commission, the Court Services and Offender Supervision Agency. There is now a collaborative effort on the part of all of those agencies to improve the system.

We meet regularly with the court and the court staff on a variety of different issues. We have contact people at the Superior Court that I talk to in some instances daily and sometimes multiple times



during the course of the day, working out individual problems and addressing systemic problems and issues that arise.

This is an ongoing and evolving process as we go forward trying to improve the criminal justice system in the District of Columbia. It is critical that we have open lines of communication, and we do now have that, Senator. Everyone is working very hard to indeed make our system a model system, if you will. It is unique in so many different ways and it presents a number of different challenges and also a number of different opportunities. We are always exploring those opportunities to try to make the process better.

Senator VOINOVICH. How about the pre-sentencing reports? I know one of the things that we found when I was Governor of Ohio, that the pre-sentencing workups left a lot to be desired. Once an individual had their day in court and they were sentenced, so often when they went off to jail, the prison did not know anything about them. Could you comment on the pre-sentencing reports?

Mr. JACKSON. I do not personally see the presentence reports on a regular basis. However, I know that we have had discussions with the Court Services and Offender Supervision Agency that oversees the preparation of those presentence reports to improve the process by which that information is exchanged and transmitted to us and ultimately to the Federal Bureau of Prisons for those people who are sentenced felons that are sentenced to periods of incarceration and are transferred to the Federal Bureau of Prisons.

Recently, we have worked diligently with the Federal Bureau of Prisons, the Superior Court, the Marshal Service and the U.S. Parole Commission to improve the process by which that information is transferred and indeed improve the time by which those offenders are prepared and ultimately transferred to the Federal Bureau of Prisons, and we have succeeded, sir, in reducing that time from roughly about 65 days to about 23 days.

Senator VOINOVICH. Well, it is a big issue, and I know that my Director of Corrections who is still serving the State of Ohio, Reggie Wilkinson, has spent a lot of time on pre-sentencing reports. We have found that because we improved pre-sentencing, that we are better able to deal with people that are incarcerated and to try to make a difference in their lives so that when they get out of jail that they can go on and have productive lives.

I think that is very important. It is very important to you, too, when you are sitting on the bench and really knowing who is this individual, and they are just not some number.

We have been joined by Senator Pryor from Arkansas, and Senator, I would like to call on you for any comment that you would like to make, and I appreciate the fact that very rarely do any of my colleagues show up for these nominations. So thank you for coming.

#### **OPENING STATEMENT OF SENATOR PRYOR**

Senator PRYOR. Thank you, Mr. Chairman. I appreciate you and your diligence on a variety of issues, but when it comes to judges, I have a pretty basic test, and that is is the person qualified, is there anything in their background that we need to know about, can they be fair and impartial, and maybe one or two others.

I am not aware of anything in Mr. Jackson's background that would give me any pause on this, and as far as I understand, there is really no controversy around this nomination. Is that fair to say?

Senator VOINOVICH. That is more than fair to say.

Senator PRYOR. OK. Then I really do not have any questions. Thank you.

Senator VOINOVICH. Thank you. If there are no further questions, I want to thank you, Mr. Jackson, for your responses today. I would also like to thank your family, friends, and colleagues for coming today to offer their support for you. I know that you are anxious to be confirmed and invested, and the next process is to have the Committee, as a whole, consider your nomination and then report it to the Senate for final action. We will do everything in our power to move this along.

We are supposed to be wrapping up this week, but we are going to be back for a lame duck starting on November 15. We will do everything we can to move this along so that it does not carry over into next year. I know that you are needed on the bench today and we will do what we can to make it happen. So thanks again for being here today.

Mr. JACKSON. Thank you very much, Mr. Chairman, Senator Pryor.

Senator VOINOVICH. The hearing is adjourned.

[Whereupon, at 10:30 a.m., the Committee adjourned.]

# A P P E N D I X

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## QUESTIONNAIRE FOR NOMINEES TO THE DISTRICT OF COLUMBIA COURTS COMMITTEE ON GOVERNMENTAL AFFAIRS, UNITED STATES SENATE

### I. Biographical and Professional Information

1. Full name (include any former names used).

**Gregory Eugene Jackson**

2. Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).

**I am a citizen of the United States of America.**

3. Current office address and telephone number.

**District of Columbia Department of Corrections  
1923 Vermont Avenue, N.W., Suite N-102  
Washington, D.C. 20001  
(202) 671-2037**

4. Date and place of birth.

**Date of birth: March 23, 1951. Place of birth: Washington, D.C.**

5. Marital status (if married, include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).

**I am married. My wife's maiden name is Sheila Ann Robinson. She is employed by Avaya, Inc., as an Area Services Vice President for the Central Atlantic Region. The regional office is located at 4849 Lydell Road, Suite E, Hyattsville, Maryland 20781. Avaya's corporate headquarters is located at 211 North Maple Avenue, Basking Ridge, New Jersey.**

6. Names and ages of children. List occupations and employer's name if appropriate.

**I do not have any children.**

7. Education. List secondary school(s), college(s), law school(s), and any other institutions of higher education attended; list dates of attendance, degree received, and date each degree was received. Please list dating back from most recent to earliest.

**Newark School of Law - Rutgers, the State University of New Jersey – 1975 to 1978. Juris Doctorate Degree received June 1978.**

**Rutgers College - Rutgers, The State University of New Jersey – 1969 to 1973. Bachelor of Arts Degree received June 1973.**

**The Sidwell Friends School, Washington, D.C. – 1966 to 1969. High school diploma received June 1969.**

8. Employment record. List all jobs held since college, other than legal experience covered in question 16, including the dates of employment, job title or description of job, and name and address of employer. Please list dating back from the most recent to earliest. If you have served in the US military, please list dates of service, rank or rate, serial number, and type of discharge received.

**October 1977 to April 1978 – Law Clerk. New Jersey Sports and Exposition Authority, East Rutherford, New Jersey. Part-time position held while in law school.**

**June 1977 to September 1977 – Law Clerk. Administrative Office of the Courts of New Jersey, Trenton, New Jersey. Summer position held while in law school.**

**June 1976 to December 1976 – Legal Intern. New Jersey Division on Civil Rights, Newark, New Jersey. Summer and part-time position held while in law school.**

**October 1975 to June 1976 – Consultant. Newark College of Arts and Sciences, Rutgers University, Newark, New Jersey. Assisted dean of college in addressing issues on student life and student services for Newark College of Arts and Sciences.**

**June 1973 to September 1975 - Assistant to the Provost. Rutgers, the State University of New Jersey, New Brunswick, New Jersey. As Assistant to the Provost, I participated in the formulation and implementation of policies related to student life and student services for the university colleges that reported to the New Brunswick Provost.**

9. Honors and awards. List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

- I. Four year undergraduate scholarship to Rutgers University
- II. Department of Justice Special Achievement Award
- III. Department of Justice Volunteer Service Award
- IV. Department of Justice “Justice for Victims of Crime” Award
- V. Certificate of Appreciation – High Intensity Drug Trafficking Areas (HIDTA) Program
- VI. D.C. Department of Corrections Public Service Award

10. Business relationships. List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, or educational or other institution.

**I do not currently hold, nor have I ever held any of the listed positions in any corporation, company, firm, partnership, or other business enterprise, or education or other institution.**

11. Bar associations. List all bar associations, legal or judicial-related committees, conferences, or organizations of which you are or have ever been a member, and provide titles and dates of any offices which you have held in such groups.

**District of Columbia Bar Association**

**Washington Bar Association**

**New Jersey Bar Association**

**Pennsylvania Bar Association**

**National Black Prosecutors' Association**

**Association of Black Assistant U.S. Attorneys**

**Assistant U.S. Attorneys Association**

**Charlotte E. Ray Inn of Court**

12. Other memberships. List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, public, charitable, or other organizations, other than those listed in response to Question 11. Please indicate whether any of these organizations formerly discriminated or currently discriminate on the basis of race, sex or religion.

**American Corrections Association**

**Sidwell Friends Alumni Association – Class Agent 1999 to 2000**

**Black Student Fund Alumni Association**

**D.C. Task Force for School Safety, Security and the Prevention of Violence**

**To the best of my knowledge, none of these organizations discriminate, currently or formerly, on the basis of race, sex, or religion.**

13. Court admissions. List all courts in which you have been admitted to practice, with dates of admission and lapses in admission if any such memberships have lapsed. Please explain the reason for any lapse in membership. Please provide the same information for any administrative bodies which require special admission to practice.

**Pennsylvania Supreme Court – 1978**

**U.S. District Court for New Jersey – 1978**

**New Jersey Supreme Court – 1979**

**U.S. Supreme Court – 1983**

**U.S. Court of Appeals for the D.C. Circuit - 1989**

**District of Columbia Court of Appeals - 1985**

14. Published writings. List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited.

**I have not written or edited any books, articles, reports or other material that have been published.**

15. Speeches. List the titles of any formal speeches you have delivered during the last five (5) years and the date and place where they were delivered. Please provide the Committee with four (4) copies of any of these speeches.

**On April 14, 2004, I was the guest speaker at a ceremony for District of Columbia prisoners housed at the Central Treatment Facility who earned their General Education Diploma during their detention at the facility. A copy of the speech is enclosed at Tab 2.**

16. Legal career.

A. Describe chronologically your law practice and experience after graduation from law school, including:

- (1) Whether you serve as a law clerk to a judge, and if so, the name of the judge, the court, and the dates of your clerkship;

**I did not serve as a law clerk to a judge.**

- (2) Whether you practiced alone, and if so, the addresses and dates

**I have not practiced alone.**

(3) The dates, names, and address of law firms, companies, or government agencies with which you have been employed.

**August 1978 to October 1986 – United States Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland.**

**October 1986 to July 1999 – Office of the U.S. Attorney for the District of Columbia, 555 Fourth Street, N.W., Washington, D.C.**

**July 1999 to Present – District of Columbia Department of Corrections, 1923 Vermont Avenue, N.W., Washington, D.C.**

B. Describe the general character of your law practice, dividing it into periods with dates if its character has changed over the years.

**August 1978 to October 1986 – United States Nuclear Regulatory Commission (NRC), 11555 Rockville Pike, Rockville, Maryland.**

Hired as an Honor Law Graduate and served as legal advisor to the NRC offices reporting to the Executive Director for Operations. I represented the agency in the investigation, litigation and resolution of employment discrimination complaints, employee grievances and labor arbitrations. My client was the U.S. government.

**October 1986 to July 1999 – Office of the U.S. Attorney for the District of Columbia, 555 Fourth Street, N.W., Washington, D.C.**

As an Assistant U.S. Attorney the primary focus of my experience was criminal litigation. I served in the Misdemeanor Trial Section, the Felony Trial Section, Grand Jury and Appellate sections of the office. For more than half of my tenure I was an attorney supervisor, first as Deputy Chief of the Misdemeanor Trial Section and later as Chief of the General Felony Section. My last position was Deputy Chief of the Superior Court Division and involved the development and implementation of policies related to the prosecution of criminal cases in D.C. Superior Court. The U.S. Attorney's Office represents the United States and the citizens of the District of Columbia in criminal matters.

**July 1999 to Present – District of Columbia Department of Corrections (DOC), 1923 Vermont Avenue, N.W., Washington, D.C.**

I currently serve as General Counsel for the DOC and a member of the senior executive staff. My primary responsibility is to provide advice and counsel to the Director of the DOC on a variety of complex legal issues arising from the closure of the Lorton prison complex and the daily operation of the Central Detention Facility (D.C. Jail), Correctional Treatment Facility and contract halfway houses. I coordinate the defense of civil lawsuits filed against the agency with the Office of the Attorney General for D.C. (formerly Office of the Corporation Counsel) and serve as the primary point of

**contact for the local courts and other criminal justice agencies. My practice areas are primarily administrative law and civil litigation. My clients are the Department of Corrections and the District of Columbia.**

- C. Describe your typical former clients and describe the areas of practice, if any, in which you have specialized.

**All of my legal positions have been with the U.S. and District of Columbia governments.**

- D. Describe the general nature of your litigation experience, including:

(1) Whether you have appeared in court frequently, occasionally, or not at all. If the frequency of your court appearances has varied over time, please describe in detail each such variance and give applicable dates.

- (2) What percentage of these appearances was in:

- (a) Federal courts (including Federal courts in D.C.);
- (b) State courts of record (excluding D.C. courts);
- (c) D.C. courts (Superior Court and D.C. Court of Appeals only);
- (d) Other courts and administrative bodies.

- (3) What percentage of your litigation has been:

- (a) Civil;
- (b) Criminal.

**While employed at the U.S. Nuclear Regulatory Commission my litigation experience was limited to several appearances in matters before administrative agencies.**

**The majority of my litigation experience was gained during my tenure in the U.S. Attorney's Office where I prosecuted misdemeanor and felony criminal cases in D.C. Superior Court. From 1986 through 1991 my appearances in D.C. Superior Court for trial matters were frequent. During this period I also appeared several times in U.S. District Court, and argued appellate cases in the D.C. Court of Appeals and the U.S. Court of Appeals for the D.C. Circuit. From 1991 through 1999 I held several supervisory positions in the U.S. Attorney's Office. During that period, most of my court appearances continued to be in Superior Court, but were related to my duties as an attorney supervisor.**

**As General Counsel for the D.C. Department of Corrections I have represented the agency in hearing in both Superior Court and U.S. District Court. Approximately 80% of these hearings have occurred in U.S. District Court and involved issues related to prisoners' conditions of confinement in the D.C. Jail.**



Approximately 90% of my litigation experience has been criminal. The remaining percentage of my litigation experience has been civil and administrative.

- (4) What is the total number of cases in courts of record you tried to verdict or judgment (rather than settled or resolved, but include cases decided on motion if they are tabulated separately). Indicate whether you were sole counsel, lead counsel, or associate counsel in these cases.

**I have tried approximately 44 cases to verdict. In one case I was associate counsel. In three other cases I was lead counsel. I was sole counsel in approximately 40 cases.**

- (5) What percentage of these trials was to:

- (a) a jury:
- (b) the court (include cases decided on motion but tabulate them separately).

**Thirty-four cases were tried to a jury; ten cases were tried to the court.**

17. Describe the five (5) most significant litigated matters which you personally handled. Provide citations, if the cases were reported, or the docket number and date if unreported. Give a capsule summary of the substance of each case and a succinct statement of what you believe was of particular significance about the case. Identify the party/parties you represented and describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case, (a) the date of representation; (b) the court and the name of the judge or judges before whom the case was litigated; and (c) the name(s) and addresses and the telephone number(s) of co-counsel and of the principal counsel for the other parties.

In United States v. Charles Colbert, Jr. the defendant was charged with the crime of Bribery. The crime occurred in the course of his employment as a construction inspector with the Washington Metropolitan Area Transit Authority (WMATA). I prosecuted the case in D.C. Superior Court before then Associate Judge Colleen Kollar-Kotelly. Judge Kollar-Kotelly is currently a United States District Court Judge on the District Court for the District of Columbia (202-354-3340). The late R. Kenneth Mundy, Esquire, represented the defendant. The defendant was convicted and appealed. This was a case of first impression on the issue of the Superior Court's jurisdiction to hear a case of bribery against a WMATA employee. The D.C. Court of Appeals affirmed the conviction in Colbert v. United States, 601 A.2d 603 (1992), and held, inter alia, that a WMATA employee is a public servant for the purposes of the bribery statute and, therefore, the trial court had jurisdiction to adjudicate the charge against the defendant.

The defendant in United States v. Angela Harper was convicted of Assault with a Dangerous Weapon, Mayhem While Armed, Possession of a Firearm During a Crime of Violence and other weapons related charges. This case was also tried before the Judge Kollar-Kotelly during her tenure as an Associate Judge of the Superior Court. The

defendant, represented by the late Donald Golden, Esquire, shot and seriously wounded the victim who, according to the evidence, was unarmed and not the aggressor. The defendant claimed self-defense and the case presented a difficult issue on the law of self-defense and the amount of force that may be used in that regard. As the prosecutor I successfully argued that the defendant used excessive force and was not entitled to a self-defense jury instruction. In affirming the conviction on appeal in Angela Harper v. United States, 608 A.2d 152 (1992), the D.C. Court of Appeals held that the trial judge properly refused to give a self-defense instruction where the defendant, as a matter of law, used excessive force. This decision has been cited in numerous subsequent assault cases where the defendant has sought an instruction on self-defense to which he/she was arguably not entitled.

In United States v. Herbert Gibson, et al., the five co-defendants were charged with conspiracy to distribute cocaine. The first trial of this case in D.C. Superior Court before then Associate Judge Kollar-Kotelly ended in a hung jury as to four of the defendants. These four defendants were convicted in a second trial before Associate Judge Joseph M.F. Ryan. I was the prosecutor in both the first and second trials. However, the convictions of two of the defendants, Herbert Gibson and Russell Sykes, were reversed on appeal in Gibson v. United States, 649 A.2d 593 (1994). The D.C. Court of Appeals held that the trial judge erred in not allowing defense counsel to ask follow-up questions during voir dire of prospective jurors who indicated that either they or close relatives were directly involved in law enforcement.

Defendant Loretta Smith was twice convicted of Contempt of Court for violating judicial orders to stay away from witnesses in the case in which she was charged with Malicious Destruction of Property. I prosecuted the defendant on both contempt charges before Superior Court Associate Judges Kaye K. Christian and Stephanie Duncan-Peters. The defendant's cases extended over a protracted period of time during which several different attorneys, including at least two different staff attorneys from the D.C. Public Defender Service, represented her. On appeal in Loretta Smith v. United States, 677 A.2d 1022 (1996), the D.C. Court of Appeals vacated the sentence for the second contempt conviction, finding that the defendant did not receive notice under D.C. Superior Court Criminal Rule 42(b) or D.C. Code Annotated § 23-1322(f) that she was to refrain from having indirect contact with the victim through his attorney as a condition of pretrial release. The Court of Appeals' opinion in this case clarified the parameters for prosecuting violations of pretrial release conditions as contempt of court charges and contributed to the implementation of the Conditions of Release Enforcement Program (CORE) that I developed while Chief of the General Felony Section in the U.S. Attorney's Office.

Please note that information about other cases that I tried is not readily available at this time. However, listed below are the names and telephone numbers of people who are familiar with my advocacy skills and abilities and courtroom demeanor.

1. U.S. District Court Judge Royce C. Lamberth (202-354-3380)
2. U.S. District Court Judge Emmet G. Sullivan (202-354-3260)

3. Kenneth Aurbach, Esquire, (301-585-5566)
4. Shawn Moore, Assistant Federal Public Defender (202-208-7500)
5. Odie Washington, Director, D.C. Department of Corrections (202-671-2128)
6. Marian Borum, Assistant U.S. Attorney (202-514-6531)

18. Describe the most significant legal activities you have pursued, including significant litigation which did not proceed to trial or legal matters that did not involve litigation. Describe the nature of your participation in each instance described, but you may omit any information protected by the attorney-client privilege (unless the privilege has been waived).

During my tenure as Chief of the General Felony Section in the U.S. Attorney's Office I served as the office's liaison to the High Intensity Drug Trafficking Area (HIDTA) Program project that was established in the Metropolitan Police Department's (MPD) Third District. During that project I created and implemented what has become formally established as the Conditions of Release Enforcement (CORE) Program. Through this program the MPD and other law enforcement agencies are able to learn of and enforce conditions of pretrial release that are imposed on defendants by the courts. With CORE law enforcement agencies are able to monitor and enforce compliance with court-ordered conditions of release such as curfews and "stay-away" orders. Defendants found in violations of their conditions of release are subject to prosecution for contempt of court. The CORE program continues to be utilized by the MPD and the U.S. Attorney's Office.

As General Counsel for the Department of Corrections (DOC) I worked closely with the Office of the Attorney General for D.C., formerly the Office of the Corporation Counsel, on the termination of the court orders and consent decrees in the cases of Campbell et.al. v. McGruder et.al. and Inmates of D.C. Jail v. Jackson et.al. These cases were the basis for over thirty years of judicial oversight of the DOC and the D.C. Jail. I participated in drafting pleadings, preparing agency employees for depositions, marshalling evidence and preparing exhibits to demonstrate that the conditions at the D.C. Jail met constitutional standards. Following a hearing before U.S. District Court Judge William Bryant in March 2003, the Court entered judgment terminating its order and ending its oversight of the Jail. This was a major accomplishment for the DOC and the District of Columbia and ended one of the longest running court orders for jails and prisons in the country.

I also serve as the DOC's primary point of contact with the courts and other criminal justice agencies on a variety of issues arising from the closure of the Lorton prison complex and other changes to the criminal justice systems brought about by the implementation of the National Capital Revitalization and Self-Government Improvement Act of 1997. I have been successful in improving the DOC's relationships with the judges of both the Superior Court and the U.S. District Court. Where the judges once felt the need to hold show cause hearing on matters affecting the detention of defendants at the D.C. Jail, I now receive telephone calls. Judges, prosecutors and defense attorneys routinely consult with me on inmate medical, housing and conditions of confinement issues with confidence that the DOC will address these issues in a timely

and appropriate manner. I meet regularly with representatives from the Superior Court, U.S. District Court, United States Marshals Service, Federal Bureau of Prisons, U.S. Parole Commission, Public Defender Service and Court Services and Offender Supervision Agency on matters regarding the designation and transfer of D.C. Code sentenced felons and federal offenders to the Federal Bureau of Prisons. I served as the chairperson of a working group and the primary drafter of the Halfway House Disciplinary Rules that were mandated by the Bail Reform Act of 2000, and codified in 28 DCMR 700 et seq.

19. Have you ever held judicial office? If so, please give the details of such service, including the court(s) on which you served, whether you were elected or appointed, the dates of your service, and a description of the jurisdiction of the court. Please provide four (4) copies of all opinions you wrote during such service as a judge.

**I have not held a judicial office.**

A. List all court decisions you have made which were reversed or otherwise criticized on appeal.

**Not applicable.**

20. Have you ever been a candidate for elective, judicial, or any other public office? If so, please give the details, including the date(s) of the election, the office(s) sought and the results of the election(s).

**In May 1997 I applied for nomination as the United States Attorney for the District of Columbia. My application was made to the D.C. Federal Judicial Nominating Commission. I was not recommended to the President for nomination.**

21. Political activities and affiliations.

a. List all public offices, either elected or appointed, which you have held or sought as a candidate or applicant.

**In May 1997 I applied for nomination as the United States Attorney for the District of Columbia. My application was made to the D.C. Federal Judicial Nominating Commission. I was not recommended to the President for nomination.**

b. List all memberships and offices held in and services rendered to any political party or election committee during the last ten (10) years.

**I have not held membership or office, nor rendered services to any political party or election committee during the last ten (10) years.**

c. Itemize all political contributions to any individual, campaign organization, political party, or political action committee, or similar entity during the last five (5) years of \$50 or more.

**During the last five (5) years I made contributions of \$50 or more to the following political campaigns:**

**1/8/02 – Richard Pennington Campaign Committee - \$250.00**

**4/27/02 – Campaign to Elect Beverly Wilbourn - \$100.00**

**6/5/02 – D.C. Democratic State Committee - \$100.00**

**3/4/04 – Harold Brazil Campaign Committee – 100.00**

22. To your knowledge, have you ever been investigated, arrested, charged or convicted (including pleas of guilty or nolo contendere) by federal, State, local, or other law enforcement authorities for violations of any federal, state, county, or municipal law, other than for a minor traffic offense? If so, please provide details.

**To the best of my knowledge, I have never been investigated by any law enforcement authorities for violations of any federal, State, county, or municipal law. I have not been convicted of violating any federal, State, county or municipal laws.**

23. Have you or any business of which you are or were an officer, director or owner ever been a party or otherwise involved as a party in any other legal or administrative proceedings? If so, give particulars. Do not list any proceedings in which you were merely a guardian ad litem or stakeholder. Include all proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or co-respondent, and list any grand jury investigation in which you appeared as a witness.

**In 1998 I was the plaintiff in a landlord/tenant matter in Superior Court. A Complaint for Possession of Real Estate was filed in March 1998. I was seeking to remove a tenant and regain possession of a house I owned. The matter was settled with the defendant/tenant shortly after the filing of the complaint and the case was dismissed.**

24. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, bar or professional association, disciplinary committee, or other professional group? If so, please provide the details.

**In November 1992 a defendant in a misdemeanor case filed a complaint with the Department of Justice's Office of Professional Responsibility against me. That defendant, Loretta Smith, alleged that I abused my authority as an Assistant U.S. Attorney and Deputy Chief of the Misdemeanor Trial Section by having her arrested on a "trivial charge." Ms. Smith also alleged that in obtaining a warrant for her arrest on this charge I concealed material facts from the judge that approved the warrant. The case against Ms. Smith was specially assigned to me by then U.S. Attorney Jay Stephens and senior management was consulted on all actions taken in the case. In letters dated**

Responsibility, advised that all of Ms. Smith's allegations were determined to have no merit. (See Tab 3).

## II. POTENTIAL CONFLICTS OF INTEREST

1. Will you sever all connections with your present employer(s), business firm(s), business association(s), or business organizations if you are confirmed?

**If confirmed, I will sever all connections with my present employer.**

2. Describe all financial arrangements, deferred compensation agreements, or other continuing dealings with your law firm, business associates or client.

**My current employer is the D.C. Department of Corrections and there are no financial arrangements beyond my pay and benefits which would end upon termination of my employment.**

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.

**I am not aware of any investments, obligations, liabilities or other relationships that could involve potential conflicts of interest.**

4. Describe any business relationship, dealing, or financial transactions which you have had in the last ten (10) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest other than while in a federal government capacity.

**To the best of my knowledge I have not had any business relationships, dealings or financial transactions in the last ten (10) years that could constitute or result in a possible conflict of interest.**

5. Describe any activity during the last ten (10) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of legislation or affecting the administration and execution of law or public policy other than while as a federal government employee.

**I have not engaged in any activities, other than while as a federal government employee, for the purpose of directly or indirectly influencing the passage, defeat or modification of legislation or affecting the administration and execution of law or public policy.**

6. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service as a judge? If so, explain.

**I have no plans, commitments or agreements to pursue outside employment during my service as a judge.**

**I have no plans, commitments or agreements to pursue outside employment during my service as a judge.**

7. Explain how you will resolve any potential conflicts of interest, including any that may have been disclosed by your responses to the above items. Please provide three (3) copies of any trust or other relevant agreements.

**I am currently unaware of any potential conflicts of interest that could arise during my service as a judge. I will resolve any future conflicts of interest based on the nature and type of conflict at issue. There are no trusts or other relevant agreements to which I am a party or that are potential conflicts of interest for me.**

8. If confirmed, do you expect to serve out your full term?

**If confirmed, I expect to serve out my full term.**

### **III. FINANCIAL DATE**

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

### **IV. DISTRICT OF COLUMBIA REQUIREMENTS**

Supplemental questions concerning specific statutory qualifications for service as a judge in the courts of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, D.C. Code Section II-150 1 (b), as amended.

1. Are you a citizen of the United States?

**I am a United States citizen.**

2. Are you a member of the bar of the District of Columbia?

**I am a member of the bar of the District of Columbia.**

3. Have you been a member of the bar of the District of Columbia for at least five (5) years?  
Please provide the date you were admitted to practice in the District of Columbia.

**I was admitted to practice in the District of Columbia in 1985.**

4. If the answer to Question 3 is "no" –

**Not applicable.**

5. Are you a bona fide resident of the District of Columbia?

**I am a bona fide resident of the District of Columbia.**

6. Have you maintained an actual place of abode in the greater Washington, D.C. area for at least five (5) years? Please list the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last five (5) years.

**I have resided at 4320 Argyle Terrace, N.W., Washington, D.C. 20011, since 1995.**

7. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nominating Commission?

**I am not a member of either Commission.**

8. Have you been a member of either of these commissions within the last 12 months?

**I have not been a member of either commission within the last 12 months.**

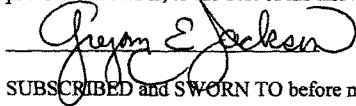
9. Please provide the committee with four (4) copies of your District of Columbia Judicial Nomination Commission questionnaire.

**Copies of my District of Columbia Judicial Nomination Commission questionnaire are enclosed. (See Tab 4.)**

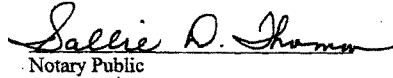


**AFFIDAVIT**

**GREGORY E. JACKSON** being duly sworn, hereby states that he has read and signed the foregoing Statement of Biographical and Financial Information and that the information provided therein is, to the best of his knowledge, current, accurate and complete.



SUBSCRIBED and SWORN TO before me this 14<sup>th</sup> day of June, 2004.

  
Notary Public

Sallie D. Thomas  
Notary Public, District Of Columbia  
My Commission Expires 08-01-07

Statement of  
Paul Strauss  
United States Senator,  
District of Columbia

Before the  
Committee on Governmental Affairs,  
United States Senate

On the Nomination of  
Gregory Eugene Jackson,  
To be an Associate Judge of the Superior Court  
Of the District of Columbia

Tuesday, 5 October 2004  
Dirksen Senate Office Building,  
Room 342

Chairman Voinovich and Members of the Senate Committee on Governmental Affairs, I am Paul Strauss, the United States Senator elected by the voters of the District of Columbia, a position sometimes referred to as the Shadow Senator. I am also an attorney practicing in our local courts. In each of these capacities, I appreciate the opportunity to provide this statement on behalf of my constituents in the District of Columbia. I wish to express my enthusiastic support of Gregory E. Jackson, President George Bush's nominee to become an Associate Judge in the Superior Court of the District of Columbia. I have taken considerable time recently to familiarize myself with the record of this individual, and have had the honor of meeting with Mr. Jackson personally. As a result, it is my opinion that this candidate would be an excellent addition to the District of Columbia Superior Court bench.

Mr. Jackson graduated from the Newark School of Law, at Rutgers, the State University of New Jersey, in 1978. As an honor law graduate, he was hired to work with the United States Nuclear Regulatory Commission, serving the government of the United States by investigating, litigating and resolving employment discrimination complaints, employee grievances and labor arbitrations. In 1986, Mr. Jackson began work for the Office of the United States Attorney for the District of Columbia, primarily focusing on criminal litigation. He rose through the ranks of the organization, becoming an attorney supervisor, and subsequently serving as both the Chief of the General Felony Section, and later, as Deputy Chief of the Superior Court Division. While serving as the Chief of the General Felony Section, Mr. Jackson was presented with a Certificate of Appreciation from the High Intensity Drug Trafficking Areas Program, a Metropolitan Police Department project, for his valuable contributions to the evolution of that program.

In 1999, Mr. Jackson moved on to the District of Columbia Department of Corrections, and continues to serve as the General Counsel for the Department of Corrections, as well as a member of the senior executive staff. In this role, he has improved the Department of Corrections' relationships with the judges of both the Superior Court and the United States District Court, and has provided an invaluable asset to judges, prosecutors and defense attorneys with his broad knowledge of inmate medical, housing and conditions of confinement issues. Knowledge of the substance and quality like that of Mr. Jackson's, pertaining to imprisonment, is valuable and infrequent. This will help to reflect well on the special challenges facing the justice system in today's complex and frequently stressful times. Kenneth Aurbach, Esquire, confessed that after dealing with Mr. Jackson over the past three years, "I have so much respect for the man," and that "the community will be more than well-served" by his investiture on the bench. Mr. Aurbach had nothing but glowing praise for the nominee, and applauded his prompt, pleasant demeanor, and his astounding professional conduct as a liaison between the Department of Corrections,

the United States District Court and himself, while serving as a defense attorney. Such professional work experience makes him a rounded, well-qualified candidate for the position of Associate Judge.

Mr. Jackson is well represented in the legal community, as a member of eight bar associations and organizations, as well as holding membership in the American Corrections Association and on the District of Columbia Task Force for School Safety, Security and the Prevention of Violence, amongst others. He has been admitted to practice in six different courts, including the United States Supreme Court and two separate courts of appeal, the District of Columbia Court of Appeals and the United States Court of Appeals for the District of Columbia Circuit. At various stages of his career, Mr. Jackson has received a number of distinguished awards. These include the Department of Justice Special Achievement Award and the District of Columbia Department of Corrections Public Service Award. Including the Certificate of Appreciation from the High Intensity Drug Trafficking Areas Program, these noteworthy accomplishments speak to the overwhelmingly positive impact the nominee has had on the judicial system and the community at-large, and are emblematic of the commitment required of an Associate Judge.

The involvement of Mr. Jackson in these valuable public institutions have demonstrated his ability to remain flexible and fair-minded, in a manner which suggests that he is free from bias or prejudice. My office has received two additional statements in support of Mr. Jenkins' nomination, and I ask they be made part of this hearing record.

The Honorable Colleen Kollar-Kotelly, of the United States District Court for the District of Columbia, in a written statement dated October 4<sup>th</sup> to my office states:

- 'Gregory Jackson has all of the qualities necessary to make him an excellent jurist. He is intelligent, learned, fair, conscientious, diligent, and importantly has the temperate demeanour necessary for a judicial officer. He will always strive for excellence and maintain his personal honesty and integrity.

This is echoed by Mr. Odie Washington, Director of the District of Columbia Department of Corrections, who in a letter to me writes:

I have known and worked with Mr. Jackson during the past five years. He generates a spirit of excellence that is absorbed by others in his professional life; he is a person of integrity who is about holding people accountable for their actions, and he is an effective and highly skilled professional. A career in public service demands the very best

dedicated efforts of those who choose to serve their fellow citizens. Mr. Jackson has exemplified this at the District of Columbia Department of Corrections.

Mr. Jackson's outstanding work in the legal field, his high standards of conduct and his professionalism display the devotion and ambition demanded of a Superior Court Associate Judge

I am confident that Gregory E. Jackson will uphold the honor of our justice system, and because of this, I look forward to his prompt investiture as an Associate Judge of the Superior Court of the District of Columbia. There is no doubt that if anyone is deserving of the prestige that comes from a Presidential appointment, it is this nominee. Yet I am obligated by the nature of today's proceedings to note that the honor that comes with the ceremony of federal oversight is matched by the lack of autonomy felt by the District of Columbia and its residents over our judiciary, diminishing our collective dignity. Were I seated with the full rights and privileges of a United States Senator, I would vote to confirm this nomination without hesitation. However, since I am unable to do so, I ask that you extend to me a degree of Senatorial courtesy and cast your vote in support of Mr. Jackson, for the residents of the District of Columbia who do not have any representative in this body who may cast a vote on their behalf. In closing, let me thank Mr. Michael Vladars of my legislative staff for his assistance in researching and preparing this statement.